UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/SP/SR.16
17 September 1992

ENGLISH

MEETING OF THE STATES PARTIES TO THE INTERNATIONAL
COVENANT ON CIVIL AND POLITICAL RIGHTS

TWELFTH MEETING

SUMMARY RECORD OF THE 16th MEETING

Held at Headquarters, New York,
on Thursday, 10 September 1992, at 10 a.m.

Temporary Chairman: Mr. HOUSHMAND (Representative of the Secretary-General)

Chairman: Mr. BORBON (Costa Rica)

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Election of other officers

Election, in accordance with articles 28 to 32 of the International Covenant on Civil and Political Rights, of nine members of the Human Rights Committee to replace those whose terms are due to expire on 31 December 1992

Other matters

The meeting was called to order at 10.25 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

1. The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, said that since the previous meeting of the States parties to the International Covenant on Civil and Political Rights, an additional 22 States representing every region of the world had ratified or acceded to the Covenant. Also during the same period, 16 new States had become parties to the Optional Protocol. The Second Optional Protocol had entered into force on 11 July 1991 after the tenth instrument of ratification or accession had been deposited. The significant increases in accessions to those and other United Nations human rights instruments reflected a growing consensus in the international community about the importance of human rights and the need to strengthen further the observance of international legal norms.

2. During the preceding two years, the Human Rights Committee had continued competently to discharge its responsibilities under the Covenant, examining 26 reports which had been submitted to it by States parties under article 40 of the Covenant and adopting final views on 28 cases which it had considered under the Optional Protocol. A further 47 cases had been declared inadmissible. The Committee had decided that, as from its forty-fourth session, it would adopt concluding comments which would reflect the views of the Committee as a whole on the report of each State party. Those comments would underline positive developments during the period under review, highlight the major areas of continuing concern and contain specific suggestions and recommendations concerning legislative and other steps which Governments could take in order to implement more effectively the provisions of the Covenant. The concluding comments adopted by the Committee would be transmitted to the States parties concerned and would be reflected in the Committee's annual reports to the General Assembly.

3. Since the Eleventh Meeting of the States parties, the Committee had also updated its general comments on article 7 concerning torture or other cruel, inhuman or degrading treatment or punishment, and on article 10, which dealt with the deprivation of liberty. It had also undertaken shortly before to update its general comments relating to freedom of thought, conscience and religion and to political participation. In addition, at its forty-fifth session the Committee had decided to start preparatory work on a general comment that would address issues relating to reservations to the Covenant or to the Optional Protocols.

4. During the period since the Eleventh Meeting, the Committee had given careful attention to the reporting problems of States parties under the various international human rights instruments. At its forty-second session,

(The Temporary Chairman)

it had revised its general guidelines for the submission of reports to take into account the issuance of the consolidated guideline for the initial part of the reports of States parties. At the same time, it had expressed its concern over the growing number of overdue reports and had requested the Secretary-General to bring the problem to the attention of the States parties at the current Meeting. Accordingly, a document reflecting the current situation in respect of overdue reports (CCPR/SP/37) had been prepared for consideration by the Meeting under item 6 of the provisional agenda.

5. Mr. RAVEN (United Kingdom), speaking on behalf of the States members of the European Economic Community which were parties to the Covenant, recalled that the Community did not accept the automatic continuity of the Socialist Federal Republic of Yugoslavia in international organizations, including the United Nations. The new federation formed by Serbia and Montenegro could not be accepted as the sole successor to the former Socialist Federal Republic of Yugoslavia. Indeed, questions relating to that country's membership remained under consideration in a number of international organizations. The presence of representatives of Serbia and Montenegro at the current meeting was therefore without prejudice to any action which the European Community and its member States might take in the future to oppose the participation of Yugoslavia in the Organization.

6. Mr. METSO (Finland), speaking also on behalf of Denmark, Iceland, Norway and Sweden, said that the Governments of the five countries did not recognize the Federal Republic of Yugoslavia as the successor State to the Socialist Federal Republic of Yugoslavia. The presence of representatives of the Federal Republic of Yugoslavia at the current Meeting was therefore without prejudice to any future decisions on the matter.

7. Ms. KEHRER (Austria) said that there was no legal basis for the automatic continuation of the legal existence of the former Socialist Federal Republic of Yugoslavia in the form of the so-called Federal Republic of Yugoslavia. Yugoslavia's participation in the current Meeting was therefore without prejudice to the future decisions of the appropriate international bodies and in no way implied Austria's recognition of the Federal Republic of Yugoslavia.

8. Mr. BUTLER (Australia) said that his Government reserved its position on the status of the Federal Republic of Yugoslavia and on issues relating to that country's representation in international organizations.

9. Mr. TURK (Slovenia) said that Slovenia had become a party to the Covenant by virtue of notification of succession and was ready and willing to comply with its provisions. The former Socialist Federal Republic of Yugoslavia had ceased to exist and the new State created by Serbia and Montenegro could not be considered automatically to be a continuation of the former State. Consequently, the presence of representatives of Serbia and Montenegro at the current Meeting was without prejudice to the decisions that might be taken in the appropriate forums of the United Nations.

10. Mr. SY (Senegal) reiterated the firm position taken by the Organization of the Islamic Conference that the presence of representatives of Serbia and Montenegro at the current Meeting in no way prejudged the question of the successor State to the former Socialist Federal Republic of Yugoslavia.

11. Mr. KUEHL (United States of America) said that the participation of the Federal Republic of Yugoslavia in the current Meeting could not prejudge any future decisions concerning its representation in the United Nations or other international organizations.

12. Mr. SEZAKI (Japan) expressed the reservations of his Government with respect to the claim by the Federal Republic of Yugoslavia to automatic succession to the Socialist Federal Republic of Yugoslavia.

13. Mr. DJORDZEVIC (Yugoslavia) said that on 27 April 1992, the Permanent Mission of Yugoslavia had informed the Secretary-General that the Assembly of the Socialist Federal Republic of Yugoslavia had promulgated the Constitution of the Federal Republic of Yugoslavia, under which that country would continue to enjoy all the rights and fulfil all the obligations of the Socialist Federal Republic of Yugoslavia in its international relations, including membership in all international organizations and participation in international treaties ratified or acceded to by Yugoslavia.

14. As a founding Member of the United Nations, the Federal Republic of Yugoslavia declared its full commitment to the Organization and its Charter, and to the Conference on Security and Cooperation in Europe. While the Federal Republic of Yugoslavia did not consider itself to be the sole successor to the former Socialist Federal Republic of Yugoslavia, it strongly believed that the continuity of Yugoslavia as a State and its legal personality were in accordance with the established practice in international relations. The Federal Republic of Yugoslavia was not a new State but rather the restructuring and continuation of the earlier Yugoslavia within a reduced territory. That view was fully consistent with the position taken by the Sixth Committee of the United Nations General Assembly, which had determined that it was in conformity with legal principles to presume that a State which was a Member of the Organization did not cease to be a Member simply because its constitution or frontier had been subject to changes, and that the extinction of that State as a legal personality recognized in the international order must be shown before its rights and obligations could be considered thereby to have ceased to exist. Those principles had never been contested by the United Nations or objected to by Member States and were therefore still valid. The Federal Republic of Yugoslavia would thus continue to pursue a foreign policy characterized by the broadest possible cooperation with all international partners.

ELECTION OF THE CHAIRMAN

15. Mr. DEKANY (Hungary) nominated Mr. Borbón (Costa Rica) for the office of Chairman.

16. Mrs. CASTAÑO seconded the nomination.

17. Mr. Borbón (Costa Rica) was elected Chairman by acclamation.

18. Mr. Borbón (Costa Rica) took the Chair.

19. The CHAIRMAN said that the International Covenants had been drawn up and adopted to promote the fulfilment of the principles, objectives and mandates of the Charter and were vital factors in the unrelenting struggle being waged by the Organization in the field of human rights. Together with other mechanisms developed over the years, they offered a multidimensional approach to many types of violations of human rights. While there had been a noticeable trend towards their greater enjoyment and observance, human rights were still not universally respected. Every effort must therefore be made to strengthen the Covenants and to urge States Members of the Organization which were not parties to accede to them so that people everywhere could enjoy the benefits to be derived from strict adherence to the legal instruments elaborated by the United Nations for their protection.

ADOPTION OF THE AGENDA (CCPR/SP/35)

20. The agenda was adopted.

21. The CHAIRMAN drew attention to rules 2 and 3 of the rules of procedure of the Meeting (CCPR/SP/2/Rev.1) and said that the Secretary-General had yet to receive proper credentials from a number of States parties represented at the current Meeting. He suggested that, in accordance with rule 3, the representatives of those States parties should be provisionally authorized to participate in the Meeting, and at the same time urged them to see to it that their credentials were submitted to the Secretary-General as soon as possible.

22. It was so decided.

ELECTION OF OTHER OFFICERS

23. The CHAIRMAN said that under rule 4 of the rules of procedure, the Meeting had to elect between one and four Vice-Chairmen from among the representatives of the States parties, and noted that at the previous meetings of the States parties, four Vice-Chairmen had been elected.

24. Mr. TROTTIER (Canada) nominated Ms. Fostier (Belgium) for the office of Vice-Chairman.

25. Mr. DIARRA (Mali), speaking on behalf of the Group of African States which were parties to the Covenant, nominated Mr. Kpakpo (Benin) for the office of Vice-Chairman.

26. Ms. Fostier (Belgium) and Mr. Kpakpo (Benin) were elected Vice-Chairmen by acclamation.

ELECTION, IN ACCORDANCE WITH ARTICLES 28 TO 32 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, OF NINE MEMBERS OF THE HUMAN RIGHTS COMMITTEE TO REPLACE THOSE WHOSE TERMS OF OFFICE ARE DUE TO EXPIRE ON 31 DECEMBER 1992 (CCPR/SP/36 and Add.1-2)

27. The CHAIRMAN said that document CCPR/SP/36 and its two addenda contained the names of the candidates nominated by States parties, and biographical data on those candidates. The names of the nine members whose terms were expiring on 31 December 1992 were listed in annex I of the document, while those of the other nine who would continue to serve in the Committee until 31 December 1994 were given in annex II. Of the nine members of the Committee whose terms were expiring, two were from Africa, one from Asia, two from Latin America, two from Eastern European countries and three from the Group of Western European and other States. There were altogether 19 candidates for the nine vacancies to be filled.

28. He drew attention to certain provisions contained in articles 28 to 32 of the Covenant.

29. At the invitation of the Chairman, Mr. Metso (Finland) and Miss Zindoga (Zimbabwe) acted as tellers.

30. A vote was taken by secret ballot.

Number of ballot papers:	109
Invalid ballots:	0
Number of valid ballots:	109
Abstentions:	0
Number of representatives voting:	109
Required majority:	55

Number of votes obtained:

Ms. Evatt	82
Mrs. Higgins	79
Mr. Bruni Celli	65
Mr. Pocar	64
Mr. Lallah	62
Mr. Aguilar Urbina	58
Mr. Francis	58
Mr. Mavrommatis	58
Mr. Fodor	56
Mr. Sebentsov	56
Mr. Saguisag	54
Mr. Gribaa	53
Mrs. Gwanmesia	43
Mr. Ratsirahonana	38
Mr. Barushimana	26
Mr. Dobrev	26
Mr. Burchak	24
Mr. Suliman	22
Mr. Daoudy	12

31. Having obtained the required majority and the largest number of votes, Mr. Aguilar Urbina, Mr. Bruni Celli, Ms. Evatt, Mr. Francis, Mrs. Higgins, Mr. Lallah, Mr. Mavrommatis and Mr. Pocar were elected members of the Human Rights Committee for a four-year term beginning on 1 January 1993.

32. The CHAIRMAN said that since more than nine candidates had obtained the required majority, a second, restricted ballot would have to be taken in accordance with rule 15. In accordance with that rule, Mr. Fodor and Mr. Sebentsov were eligible for election.

OTHER MATTERS

33. The CHAIRMAN drew attention to document CCPR/SP/37 containing a list of overdue reports under article 40 of the Covenant.

The meeting rose at 1.05 p.m.